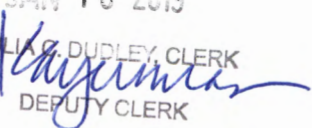


JAN 18 2019
JULIA G. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION
JANUARY 2019 SESSION

UNITED STATES OF AMERICA

Criminal No. 7:19-CR- 00004

v.

INDICTMENT

TYREK K. KELLY, and
JAMES M. HALE

In Violation of:

21 U.S.C. § 841(a)(1)
18 U.S.C. § 924(c)
18 U.S.C. § 922(g)(1)

COUNT ONE

The Grand Jury charges:

1. That on or about November 30, 2018, in the Western Judicial District of Virginia, the defendant, TYREK K. KELLY, did knowingly and intentionally distribute a measurable quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

2. All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT TWO

The Grand Jury further charges:

1. That on or about November 30, 2018, in the Western Judicial District of Virginia, the defendant, TYREK K. KELLY, knowingly possessed a firearm, to wit a Glock model 17 pistol, in furtherance of a drug trafficking crime for which he may be

prosecuted in a court of the United States, as set forth in Count One of this Indictment.

2. All in violation of Title 18, United States Code, Section 924(c).

COUNT THREE

The Grand Jury further charges:

1. On or about November 30, 2018, in the Western Judicial District of Virginia, the defendant, TYREK K. KELLY, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, to wit a Glock model 17 pistol, which had previously been shipped and transported in interstate or foreign commerce.

2. All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT FOUR

The Grand Jury further charges:

1. On or about November 30, 2018, in the Western Judicial District of Virginia, the defendant, JAMES M. HALE, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, to wit a Smith & Wesson .40 caliber pistol, which had previously been shipped and transported in interstate or foreign commerce.

2. All in violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

1. Upon conviction of one or more of the felony offenses alleged in this Indictment, the defendants shall forfeit to the United States:

- a. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses, pursuant to 21 U.S.C. § 853(a)(1).
- b. any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said offenses, pursuant to 21 U.S.C. § 853(a)(2).
- c. any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances and/or raw materials, as described in 21 U.S.C. § 881(a)(1) and (2), and any proceeds traceable to such property, pursuant to 21 U.S.C. § 881(a)(11) and 28 U.S.C. § 2461(c).
- d. any firearms and ammunition involved or used in the commission of said offenses, or possessed in violation thereof, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2. The property to be forfeited to the United States includes but is not limited to the following property:

a. **Money Judgment**

An undetermined sum of United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate was obtained directly or indirectly as a result of said offenses or is traceable to such property.

b. **Firearms**

- 1) A Glock model 17 9mm pistol, serial # YCP013
- 2) A Smith & Wesson .40 caliber pistol, serial # RBT7949
- 3) All ammunition, magazines, and accessories associated with these

firearms

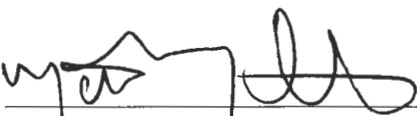
3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL this 18th day of January, 2019.

s/Grand Jury Foreperson
FOREPERSON

for


THOMAS T. CULLEN
UNITED STATES ATTORNEY